

**Testimony in Opposition to Senate Bill 1028**  
**Judiciary Committee**  
**March 6, 2015**

Senator Coleman, Representative Tong and members of the Judiciary Committee, my name is Dr. Henry Jacobs and I am President-Elect of the Connecticut State Medical Society (CSMS). I am board certified in Obstetrics / Gynecology and practicing in West Hartford, Connecticut. I also have my Juris Doctorate degree.

I am here to testify today on behalf of myself and on behalf of the physicians and physicians in training of the Connecticut State Medical Society (CSMS). I urge you to oppose **Senate Bill 1028**.

About 3 years ago, I was forced to give up my obstetrics practice and now practice only gynecology. At the time I gave up my obstetrics practice my liability premiums exceeded \$200,000 annually and I simply could not afford to maintain my obstetrics practice. Even after legislature passed the malpractice "reform" in 2005, my liability premiums continued to increase to a point where practicing obstetrics was no longer a financial possibility for me.

As Attorney Mike Neubert testified, there is little doubt that the intent of Senate Bill 1028 to extend the statute of limitations for minors will worsen the medical practice climate in Connecticut. My colleagues who continue to practice obstetrics pay some of the highest malpractice rates, not only in Connecticut, but across the country. I have already had to give up my obstetrics practice and I know many of my colleagues who have unfortunately had the same experience. Extending the statute of limitations for minors will no doubt increase the malpractice coverage costs for obstetrics as well as the costs of tail insurance which physicians must obtain when they retire from the practice of medicine. Simply put, physicians practicing obstetrics cannot absorb any additional costs and continue to remain practice in Connecticut.

Sometimes mistakes are made during the child birth process and unfortunately there are times where a child is injured. The existing liability system in Connecticut allows for adequate discovery of the injury and adequate time to bring legitimate liability claims. How many of you if called to testify on the specifics of what you were doing 8 years ago would have a clear-cut memory of the facts and circumstances of your actions as well as your rationale for decisions made? The fact is that memories fade and recollections become distant. To ask a medical professional to defend his or her actions 8 years or more from the time of those decisions is not practical.

In a state where we struggle to attract and keep physicians, weakening an already frail liability system will serve only to drive our best and brightest physicians out of Connecticut. Liability claims drain physician time and resources away from patients, not to mention the judicial resources expended. In this day and age, liability suits against physicians are all too common. Extending the statute of limitations for minors will only compound this problem.

Physicians in Connecticut cannot handle any additional weakening of the liability system in Connecticut. Extension of the statute of limitations for minors will be another straw that drives

physicians out of Connecticut and forces obstetricians to retire early from practice. It will impact patient access to care and undoubtedly many of my colleagues will have to give up their obstetrics practice as I did.

I come before this Committee today not as a physician speaking in a hypothetical context but as a physician who has already experienced the detrimental effects of rising liability premiums. Physicians will be directly impacted by SB1028, it will impact their ability to practice obstetrics, it will leave patients with fewer choices in care and it will impact patient access to care.

At a time when our collective goal should be to ensure more access and greater care for patients, SB 1028 is the wrong approach.